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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
Replacement of Part 90 by Part 88) PR Docket No. 92-235
to Revise the Private Land Mobile)
Radio Services and Modify the)
Policies Governing Them)

**REPLY COMMENTS OF THE ASSOCIATION
FOR MAXIMUM SERVICE TELEVISION, INC.**

The Association for Maximum Service Television, Inc. ("MSTV") hereby files reply comments in response to the Report and Order and Further Notice of Proposed Rulemaking released in the above-captioned docket on June 23, 1995 (the "Notice").^{1/} MSTV strongly supports the Commission's efforts in this proceeding to provide necessary incentives to promote spectrum efficiency in the Private Land Mobile Radio (PLMR) bands through the use of narrowband or other spectrally efficient technologies and the consolidation of the PLMR service categories.

While MSTV does not take a position on which of the various market-based incentives will be most effective in accomplishing this goal, MSTV strongly believes that the Commission must stay on its present course. Only strong, pro-active leadership by the expert governmental agency charged with the important responsibility of developing and

^{1/} MSTV is a non-profit trade association of local broadcast television stations committed to achieving and maintaining the highest technical quality for the public's local broadcast service.

084

implementing the nation's spectrum management responsibilities will ensure that the necessary conversion to spectrum-efficient technologies is accomplished. The long delay in implementing spectrum-efficient technologies, despite their ready availability for over a decade, stands as proof that additional incentives are needed to accomplish this goal.

Specifically, MSTV urges the Commission to expand the scope of this proceeding to include spectrum above 512 MHz. The substantial gains that will result from converting to spectrum-efficient technologies apply with equal force to land mobile use throughout the spectrum. Furthermore, MSTV urges the Commission to revisit the necessity of continued "sharing" in the 470-512 MHz band. The return of this borrowed spectrum is particularly appropriate given that the transition to ATV will require additional broadcasting spectrum in the major markets.

I. ADDITIONAL INCENTIVES ARE NEEDED TO ENSURE THAT SPECTRUM-EFFICIENT TECHNOLOGIES ARE IMPLEMENTED IN THE PLMR BANDS.

For three decades, MSTV has consistently advocated reform of the rules governing the use of land mobile spectrum to promote the efficient use of spectrum.^{2/} What is

^{2/} See Reply Comments of MSTV, PR Docket No. 91-170 (March 16, 1992); Comments of MSTV, PR Docket No. 84-232 (Nov. 19, 1985); Comments of MSTV, Gen. Docket No. 84-1233 (April 22, 1985); Comments of MSTV, PR Docket No. 92-235 (Jun. 1, 1993); see also G. Hamilton, G. Ax, D. Hatfield, & A. Miller, "A Plan for Meeting Public Safety Community Mobile Communications Requirements Through New Technologies and Advanced Spectrum Management Techniques" (August 1983) (Hatfield II); D. (continued...)

significant is that throughout the past decade, despite the fact that spectrum-efficient technologies have been readily available, these technologies still have not been implemented to any significant degree.

Narrowband technologies, such as ACSB, 6.25 kHz narrowband FM, and digital modulation, have been in existence since the mid-1970s. ACSB equipment has been commercially available at competitive prices since the mid-1980s.^{2/} Nevertheless, and despite claims of congestion by some PLMR users, these technologies have not been widely implemented. In part, this may stem from the fact that coordination is difficult among such a large number of users, and because significant gains cannot be realized unless conversion is implemented on a large scale.

For these reasons, strong action on the part of the Commission is warranted. Additional market-based incentives are also clearly necessary to expedite the conversion to spectrum-efficient technologies, particularly in major metropolitan areas where congestion presents a significant problem. While MSTV does not take a position on which of the

^{2/}(...continued)

Hatfield, G. Ax, & A. Miller, "The Role of New Technologies and Spectrum Management in Meeting the Demand for Private Land Mobile Radio Telecommunications Capacity" (November 1982) (Hatfield I).

^{3/} P. Gieseler, Implementing New Technology in the Land Mobile Radio Services 26-27 (1983); see Comments of MSTV, PR Docket 84-232, at 17 & 17 n.1 (Nov. 19, 1985); see also Hatfield II, at 15 & 15 n.10, 26.

various market-based incentives will be most effective or which should be applied to public safety users, MSTV believes that the Commission's proposals to introduce market-based incentives are sound and necessary to expedite reforms in this area.

Given the clear history of delay in converting to readily available spectrum-efficient technologies, MSTV concurs with the suggestion of several commenters^{4/} that it would be beneficial to establish a date certain by which users must convert to spectrum-efficient technologies. While a transition period may be needed for existing users, new users should be required to use spectrum-efficient technologies from the outset.

In addition, MSTV strongly supports consolidation of the PLMR categories in order to more evenly distribute spectrum use, prevent under-utilization of some services, and reduce the administrative burdens associated with having twenty separate radio services, particularly the costs of coordinating interservice sharing. However difficult, consolidation is an important step to achieving the coordination needed to ensure efficient spectrum use.

^{4/} Comments of Motorola, P.R. Docket No. 92-235, at 3 (November 20, 1995); Comments of the LMCC, P.R. Docket No. 92-235 (November 20, 1995); Comments of the American Mobile Telecommunications Association, Inc., P.R. Docket No. 92-235, at 9 (November 20, 1995).

II. THE COMMISSION SHOULD EXPAND THE SCOPE OF THIS PROCEEDING TO INCLUDE LAND MOBILE SPECTRUM IN BANDS ABOVE 512 MHz.

The gains that will be realized as a result of the Commission's action in this proceeding are profound. Refarming mobile land spectrum below 512 MHz will increase channel capacity from 300 to 500 percent.^{5/} Improvements of this magnitude are rare, particularly when they can be implemented simply by using existing technologies.

In light of these substantial benefits, the Commission should expand the scope of its proceeding to refarm land mobile spectrum above 512 MHz. The Commission's careful analysis and conclusions apply with equal force to all spectrum allocated to the private land mobile radio services.

III. TELEVISION SPECTRUM "TEMPORARILY" ASSIGNED FOR LAND MOBILE USE SHOULD BE RETURNED TO USE FOR TELEVISION BROADCASTING.

MSTV has previously requested that the Commission revisit the issue of "sharing" in the 470-512 MHz band. More than ever, the Commission should act favorably upon this request. At the time the Commission decided to initiate sharing, the Commission promised to "evaluate the sharing proposition" over time and described the sharing scheme as a "plan to provide short range relief." First Report and Order, Docket No. 18261, 23 FCC 2d at 341, 343. Several significant

^{5/} See Hatfield I, at 37, 53-54; Hatfield II, at 14; cf. R. Matheson, NTIA/ITS, Spectrum Conservation: Adjusting to an Age of Plenty (July 1992); NTIA, U.S. Department of Commerce, NTIA Spec. Pub. 91-23, U.S. Spectrum Management Policy: Agenda for the Future (Feb. 1991).

changes have occurred since the Commission last examined this issue.

First, as discussed above, tremendous spectrum savings will be realized as a result of the Commission's actions in this docket. A 300 to 500 percent increase in PLMR's channel capacity should easily meet or exceed PLMR's existing and future spectrum needs. Second, the growth of other private commercial services, including satellite, cellular and personal communications services, offers users greater selection and flexibility in choosing alternatives to PLMR services. This will also free up additional spectrum. Finally, with the advent of ATV broadcasting, television broadcasters will require additional spectrum in the same market where sharing occurs.

Taken together, it is clear that give-back of this spectrum is not only appropriate; it is necessary. The Commission should require PLMR users to return the television broadcast spectrum that was "borrowed" in 1970. MSTV recognizes that the transition to narrowband technologies will take some time to implement. Therefore, if necessary, the Commission should relocate PLMR users in the 470-512 MHz band to other, higher bands during this transition.

CONCLUSION

MSTV applauds the Commission's actions in effecting a comprehensive overhaul of the PLMR spectrum below 512 MHz. The long history of delay in implementing spectrum-efficient

technologies makes it clear that Commission action is essential.

MSTV endorses the Commission's further proposals to introduce market-based incentives to expedite the conversion to spectrum-efficient technologies. This is critical given that the transition to ATV broadcasting will require full access to spectrum within broadcasting's existing allocation. Moreover, in light of the Commission's extensive reforms, it is now appropriate to give back the 470-512 MHz band to the public's broadcasting service. Finally, MSTV urges the Commission to complete the task that it has undertaken by refarming land mobile spectrum above 512 MHz.

Respectfully submitted,

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